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FRANCIS J. MAGUIRE, JR.

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EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2611

23

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/177,356

Applicant(s)

MAGUIRE, JR., FRANCIS J.

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20,22-24,26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,22-24,26,28,29,32 and 33 is/are rejected.
- 7) ☒ Claim(s) 30-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 1/30/04 have been fully considered but they are not persuasive.

In regards to claim 1, Applicant argues that Figure 13 does not show that the second display executes n-axis second display motions and that the examiner Morita shows movement of the point-of-view of the images as displayed by the second displays, which is different from the second displays "executing n-axis second display motions". The examiner disagrees, and notes that the applicant is trying to relate "n-axis platform motions" performed by the n-axis platform, with the "n-axis display motions". A platform motion and a display motion are two different types of motion. The applicant is correct in how the examiner interpreting this limitation, and even states "display motions not image motions or changes in the point-of-view from which the images are taken", the examiner notes that "display motions" is broad, and can read on the point-of-view of the video displayed on the second displays.

Applicant continues to argue in regards to claims 2-4 and 6-19, that Morita does not teach attitudinally actuating a display or guiding a viewing attitude of the user. Both of these terms are broad and read on Morita displaying user controlled camera video signals to second displays so that a user's display can be attitudinally actuated or guiding the user's viewing attitude (by displaying different angles to the user), these limitations describe nothing mechanical for guiding a user's head.

Applicant also argues that Gallery is not of record. Examiner apologizes for not

Art Unit: 2611

citing this reference on the 892-Notice of References Cited page, however, this reference, with patent number is clearly indicated in the Office Action, and is therefore of record. Examiner will submit a supplemental 892 page to properly cite the Gallery reference.

Applicant seems to have found the Gallery reference and argues that Gallery does not show an n-axis display platform that guides a user's head to execute attitudinal movements. Again, this limitation is broad and provides to mechanical suggestions to physically move the user's head, therefore this limitation simply reads on the user's head following the display 60 in Figure 3 (note the platform is the head unit 16).

In regards to claims 22-24, 26 and 28-29, Applicant argues that the sensor provided by Pye is not a sensor for sensing rotations. Pye's sensor does sense rotations, but the rotations are provided from a remote control, nonetheless, the rotations are still "sensed" as broadly recited in independent claims 28 and 29. Also note that these sensed rotations are what control the first platform, with the mounted display (see Figure 2).

Applicant also argues that there is no third platform part within which any second platform part is rotatably mounted in Pye. For that to be the case, the box-shaped base 12 of Pye would have to be rotatably mounted within another platform part. The examiner fails to understand how a third platform part is rotatably mounted within another platform part in Figure 6 (Applicant specifically states that Pye's box-shaped base 12 would have to be rotatably mounted within another platform part). The examiner notes that applicant's third platform part is element 198 (as stated in

Art Unit: 2611

dependent claim 22), which is the outer cylinder in Figure 6, which is not within the second platform part (element 185 in Figure 6). The examiner also notes that the third platform part 198 in Figure 6 is not rotatably mounted within another platform part, as argued by the applicant. Examiner has clearly stated that element 70 is the first platform part, 90 is the second, and base 40 is the third! .

Applicant also argues that Pye does not show display view ports on the display for use by a user in placing eyes thereon. These limitations are broad, and a TV contains view ports (different portions of the screen) and when the user views the TV, he/she is placing their eyes thereon.

Newly added claims 32-33 now read on the Pye reference (see \*) as well as previously disclosed by Smith (U.S. Patent No. 5,153,716). In Figures 14 and 15, Smith shows a "periscope" style viewer, which can be rotated around post 308. Note that the pole is threaded, and that a periscope can be adjusted horizontally and vertically. Therefore, the first (element 300 in Figures 14 and 15) a platform part, is rotatable about a second platform (element 308 in Figure 15). The examiner has interpreted the display to be the part the viewer is viewing in element 300, and the first platform (the rest of the viewer) is the piece that is rotating around the second platform (post 308) in Figure 15.

Amended claims 6 and 15 still read on Morita, and are explained in the rejection below (see \*\*).

Therefore, all rejections stand, and this Office Action is made Final.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2611

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 6 recites the limitation "n-axis display platforms" in Line 19. There is insufficient antecedent basis for this limitation in the claim. The examiner believes that applicant intended the limitation to read, "n-axis platforms" in order have support for this element.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (U.S. Patent No. 6,611,285) in view of Petelin et al. (U.S. Patent No. 5,436,542).

Referring to claim 1, Morita discloses a video camera for providing video signals indicative of said video images captured by said video camera (see element 204 in Figure 2).

Morita also discloses a first display, responsive to said video signals, for providing said video images for viewing by a first user (see element 201 in Figure 2 and Column 6, Lines 50-51).

Morita also discloses an n-axis sensor, responsive to n-axis first display motions caused by said first user, for providing an n-axis attitude control signal for controlling said video images captured by said video camera (see a pointing device 205 in Figure 2

for providing motions (using a mouse), which provides an attitude control signal to control the camera 204).

Morita also discloses one or more second displays, responsive to said video signals, for providing said video images for viewing by one or more corresponding second users (see elements 501A through 501C in Figure 13 and Column 9, Lines 24-31) and responsive to said n-axis attitude control signal for executing n-axis second display motions emulative of said n-axis first display motion (see Column 11, Lines 62-67 and Column 12, Lines 1-8).

Morita fails to disclose a platform for mounting the video camera thereon, responsive to an attitude command signal, for executing platform motions emulative of the first display motions. Petelin discloses a motorized camera mount that can be controlled based on a first user's display motions (see Column 1, Lines 42-61 and Column 3, Lines 45-61).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the camera (element 204 in Figure 2), as taught by Morita, to utilize the camera mount, as taught by Petelin, for the purpose of remotely enabling a user to adjust the camera position (see Column 1, Lines 35-38 of Petelin).

Referring to claim 20, see rejection of claim 1 and note that the sensor in claim 1 is analogous to the display user input.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-4 and 6-19 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Morita (U.S. Patent No. 6,611,285).

Referring to claim 2, Morita discloses a reality engine (camera) for providing an image signal indicative of images taken from various attitudes (angles) (see element 204 in Figure 2).

Morita also discloses a telepresence server (element 510 in Figure 5), responsive to said image signal, for providing said image signal (see Column 6, Lines 48-51) and attitude control signal to at least one attitudinally actuatable display (elements 500a-500c in Figure 5) via a telecommunications network (element 505 in Figure 5) for attitudinally actuating said display for guiding a viewing attitude of a user (see Figures 3 and 4 and Column 6, Lines 50-67 for changing the attitude of the view by adjusting the angle of the camera) and for displaying said images for said user of said attitudinally actuatable display for passively viewing said images from said various attitudes (see Column 6, Lines 49-50 for a view window for displaying the video at the adjusted camera angles).

Referring to claim 3, Morita discloses that the telepresence server provides access to a camera for an active user of a display attitudinally actuatable by said active user for providing said attitude control signal to said camera and to said telepresence



Art Unit: 2611

server (see Figure 13 for an active user represented by element S501, who sends attitude control signals to the camera through server 510 (also see Column 11, Lines 62-67 and Column 12, Lines 1-8).

Referring to claim 4, Morita discloses that the telepresence server is for providing access to said camera for a director (note that the active user in Figure 13, is the only one that control the camera view, and therefore, is inherently a director).

Referring to claim 6, Morita discloses providing a video signal from a camera in response to a user control signal for controlling information contained in a video signal (see Column 6, Lines 44-51).

Morita also discloses providing said video signals to a plurality of users via a telecommunication network according to selection signals received over said network from said plurality of users wherein each selection signal is indicative of a camera selected by a particular user and wherein said camera is selectable by multiple users but only controllable by one user control signal at a time (see Figure 13 and see Column 11, Lines 62-67 and Column 12, Lines 1-8).

\*\*Morita also discloses displaying said video signals to said plurality of users by means of corresponding display devices (see display 201 in user station's 501, 501a and 501b in Figure 8), each display device comprising:

(i) an n-axis platform, responsive to one of said video signals containing an attitudinal display control signal, for executing attitudinal movements (see CPU 202 and pointing device 205, where the CPU receives signals from camera server 510 and

Art Unit: 2611

commands the camera 510 to provide a specific angle by controlling the pointing device 205 (see Column 6, Lines 48-55)).

(ii) a display connected to said n-axis platform responsive to said one of said video signals (see element 201 in element 501 for displaying the images transmitted from the camera server), for displaying images corresponding to said attitudinal movements and for guiding a user's head to execute attitudinal movements (see Column 6, Lines 48-55 for guiding a user's head, by showing a different position of a stick figure in Figures 3 and 4, where the stick figure video images are transmitted from camera 204 in Figure 8).

Referring to claim 7, Morita discloses how a user can be active or passive at 13 and see Column 11, Lines 62-67 and Column 12, Lines 1-8.

Referring to claim 8, see rejection of claim 7 for controlling the camera as an active user.

Referring to claim 9, see rejection of claim 7 for acting as a passive user.

Referring to claim 10, see rejection of claim see rejection of claim 9, and also note that according to Figure 13, multiple users can be passive users (disabled).

Referring to claim 11, see rejection of claim 8 for an active user controlling the system. Since the active user is the only one that controls the camera angle, he or she is inherently a director.

Referring to claim 12, see rejection of claim 10 for multiple users acting as passive users.

Referring to claims 13 and 14, see rejection of claims 11-12 and note Figure 2 for the camera being local to a user (or director depending on if the user is active or passive). Also note Figure 8 for multiple users.

\*\*Referring to claims 15-19, see rejection of claims 6, 11, 13 and 7, respectively. In regards to the added limitations in claim 15, for active and passive control of the system, again refer to Figure 13 of Morita and for guiding the user's head, see rejection of claim 6.

5. Claim 5 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gallery (U.S. Patent No. 5,900,849).

Referring to claim 5, Gallery discloses an n-axis display platform (see the head mount of the HMD (element 16) in Figure 3), responsive in a passive mode to an attitudinal control signal, for guiding a user's head to execute attitudinal movements (see Column 2, Lines 23-28 for guiding a user's head by sending an alarm signal to help the user avoid a dangerous area), and responsive in an active mode to attitudinal movements of a user's head for providing sensed signals indicative of said attitudinal movements (see Column 2, Lines 14-17 for providing signals representing positional changes of the HMD).

Gallery also discloses a display connected to said n-axis platform, responsive to a video signal, for displaying images corresponding to said attitudinal movements (see element 60 in Figure 3 and Column 2, Lines 17-20).

6. Claims 22-24, 26, 28-29 and 32-33 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Pye (U.S. Patent No. 5,634,622).

Referring to claim 28, Pye discloses a display mounted on a first platform part, rotatable about a first axis (see element 70 in Figure 5 and Column 5, Lines 34-36).

Pye also discloses a second platform part within, which said first platform part is rotatably mounted for rotation about a second axis (see element 90 in Figure 5 and Column 5, Lines 44-49).

Pye also discloses at least one of a first motor (element 100 in Figure 5 and Column 5, Lines 50-53) and first sensor (see element 130 in Figure 5) fixed in or to said first platform part (see Column 6, Lines 4-10) for rotationally driving and sensing rotations (see Column 6, Lines 10-12), respectively, of said first platform part about first axis (see Column 5, Lines 55-59).

Referring to claim 29, see rejection of claim 28 and note that a third platform part within which said second platform part is rotatably mounted for rotation about a third axis is disclosed by element 40 in Figure 2 and at Column 5, Lines 11-16.

Referring to claim 22, Pye discloses that a third platform part within which said second platform is rotatably mounted for rotation about a third axis (again, see element 40 in Figure 5).

Referring to claim 23, Pye discloses that the first and second axes (elements 70 and 90 in Figure 5) are perpendicular. Note that element 90 is capable of tilting forward or backward, and therefore, may lie perpendicular to element 70.

Referring to claim 24, Pye discloses that the first, second and third axes are mutually perpendicular (see rejection of claim 23, and refer to Figures 2 and 5).

Referring to claim 26, Pye discloses a TV that can be mounted on the television stand, for a user to place his/her eyes thereon (see Column 4, Lines 51-54).

\*Referring to claims 32-33, see rejection of claims 28 and 26, respectively. Note that elements 54 on both sides of platform 40 are hand grips used to adjust the position of the display manually.

7. Claims 32-33 are also rejected under 35 U.S.C. 102(b) as being clearly anticipated by Smith (U.S. Patent No. 5,153,716).

Referring to claim 32, Smith discloses a display mounted on a first platform (element 302 in Figure 15) rotatable about a first axis (element 308 in Figure 15 and Column 10, Lines 63-66), said display having hand grips (element 30 in Figure 15) for use by a user in placing hands thereon (see user in Figure 14).

Smith also discloses a second platform within which said first platform part is rotatably mounted for rotation about a second axis (see pole that element 300 rotates around in Figure 14).

Referring to claim 33, Smith discloses viewports (element 302 in Figure 15).

#### ***Allowable Subject Matter***

8. Claims 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/177,356  
Art Unit: 2611

Page 14

April 18, 2004

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', written in a cursive style.

**VIVEK SRIVASTAVA**  
**PRIMARY EXAMINER**